

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and the following remarks are submitted for the Examiner's consideration.

Claims 1-3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chun (U.S. Patent No. 5,522,295) in view of Bollaert (U.S. Patent No. 1,704,962). For the following reasons, the Examiner's rejection is respectfully traversed.

None of the references disclose or suggest that "the upper turret is provided with a notch used in exchanging one of the plurality of lower metal molds" as recited in claim 1. The Office Action acknowledges that Chun fails to disclose a notch, but cites Bollaert for these elements (Office Action, 08/18/2003, page 2).

Bollaert discloses a notch 68 or sight opening on the punch bore 30 to provide an opening through which the operator may see the point of the punch when aligning the same upon the material to be punched (col. 5, lines 4-10). The Bollaert notch is in the front portion of the tool holder section 28 and is flared outwardly to provide a sight opening (Figs. 1-3, col. 5, lines 4-10). Since the Bollaert notch 68 is only in the front portion of the tool holder section, the Bollaert notch 68 cannot be used in exchanging a lower metal mold. Bollaert also does not disclose or suggest that this notch 68 is used for anything more than sighting the point of the punch. Therefore, Bollaert does not disclose or suggest that the upper turret is provided with a notch used in exchanging one of the plurality of dies. Thus, even if combined, the references do not disclose or suggest all the elements of the claimed invention.

Furthermore, there is no suggestion or motivation for one skilled in the art at the time the invention was made to combine Chun with Bollaert to arrive at the claimed invention. The Office action states that the motivation is found in Bollaert, in column 5, lines 4-10, and it would have been obvious to provide a notch in Chun as taught by Bollaert in order for an operator to see the point of the punch and to confirm the positioning of the punch upon the material to be punched (Office action, 08/18/2003, page 3).

However, the Office action fails to note that Chun concerns an automatic punch press, which does not allow the operator to facilitate the positioning of the point of the punch upon the material to be punched. Therefore, there is no need in Chun for a sight opening on the upper turret to see the point of the punch. Since there is no need to have a sight opening in Chun, there is no need or motivation to have a notch as describe in Bollaert. Thus, there is no motivation to look at or use the notch elements in Bollaert.

Therefore, the desirability of such a modification to have a notch in the upper turret used in exchanging a lower metal mold is found only in the Applicant's own description of the invention, in contrast to the requirement that the teaching or suggestion to make the modification must be found in the prior art, and not based on an applicant's disclosure. Reconsideration and withdrawal of the rejection based upon the combination of references is respectfully requested.

In light of the foregoing, it is submitted that the application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the application.

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If there are any additional fees resulting from this communication, please charge the same to our  
Deposit Account No. 16-0820, our Order No. 34245.

Respectfully submitted,

PEARNE & GORDON LLP

By:

  
Suzanne B. Gagnon, Reg. No. 48924

1801 East 9<sup>th</sup> Street  
Suite 1200  
Cleveland, Ohio 44114-1484  
(216) 579-1700

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